

1956

Department of Cooperation
Office of the Registrar of Cooperative Societies
Madras

D.R.P 38 / 55P

10-7-56

W.P. 4
C.P. 46

Arbitration - The Talapady Cooperative Society - Awards in AR 387
Revision of

Provincial
Central.

M.T.C. 10.

ORIGINAL

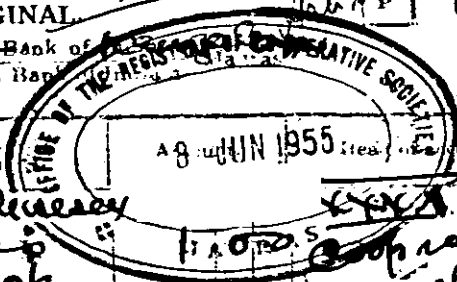
213

Charged for payment of money to the
No.

Reserve Bank of India
Imperial Bank

7 when paid out
for disbursements and charges
to each on whom is paid a new
is paid.

The Bank's account
is maintained by it at



J. C. Medel
Khader Bear Putekian
810 Chair's bear
Total in words and figures

Free for Release
N. Des' 8706
66-55

Signature of K. R. M. R. M. R.

* Head of account should be filled in by the Departmental Officer or the Treasury Officer. In cases where direct credits at Bank are permissible the column "Head of account" will be filled in by the Treasury Officer or the Accounts Officer, as the case may be on receipt of the Bank's Daily sheet [P.F.O.]

For 28.29 22.00-00 22

Correct, Receive and grant receipt.

T. & A. 213.

*Signature and full designation of the officer
ordering the money to be paid in*

Reserve Bank of India at
Imperial Bank of India at Madras
The _____ 194

} Entered—Correct

Imperial Treasury Accountant

Received Rupees

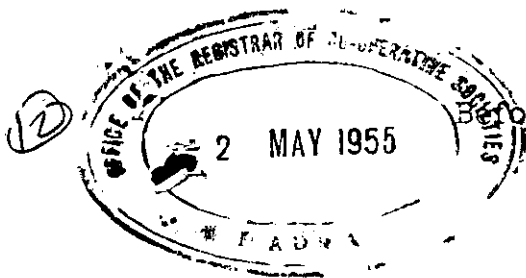
[Signature]

Bank Accountant.

[Signature]
Accountant.

Dated _____ 194

* To be used when a departmental officer passes the cheque for a payment by a private party.



Before the Registrar of Co-operative Societies,
Chepauk, Madras.

In the matter of Cl.No.387/54-55.
before the Honorary Arbitrator.

35 (864)
RP38/55P

Ne 67038/53P

2/5-55

1. T.C.Abdulkhadar Beary, son of Chaire Beary M.No.160.
 2. Arabi Beary s/o Babayya Beary M.No.161.
 3. Mohammad Beary s/o Babayya Beary M.No.159.
- All residing at Talapady, Mangalore Taluk.
vs.
- } Appellants.

The Secretary of Talapady-Co-operative Society, L.No.402. Respondent.

①

RP.981
6/6.

Revision petition under Sec.51(5) of M.C.S. Act.

The appellants abovenamed beg to prefer this Memorandum of Appeal on the following among other grounds:-

1. The claim for Rs.274-7-4 is unjust, legally unsustainable on the facts of the case, and without proper consideration as contended, and the claim is liable to be dismissed with appellants' costs.
2. The learned Arbitrator while admitting that the affairs of the Plaintiff Society are not beyond suspicion, has gone wrong in putting the burden of proving of non-receipt of consideration on the Appellants themselves.
3. There are no reasonable grounds to believe the evidence of P.W.1 Secretary of the Plaintiff Society, and disbelieving the evidence of Appellants.
4. The Appellants are of opinion that their signatures have been forged, and the appellants be given an opportunity to prove same by referring to an Hand-writing expert.
5. The appellants therefore pray that after admitting this appeal, and on perusing the lower Court's records, and evidences, the decree of the Honorary Arbitrator be reversed and set aside, and the decree be stayed pending decision of this appeal.

A chalan for Rs.1/- is enclosed.

Mangalore, -)

D/- 30-4-55.)

1. T.C. Abdulkhadar Beary

2. Arabi Beary

3. Mohammad Beary

Appellants.

In the Court of Honorary Arbitrator, Munga
ex. No. 387/54-55

Plaintiff - The Secretary of Talapady Co-operative
Society L. No. 402.

Versus

Defendants - 1. T. C. Abdul Khadar Beary S/o
Chaire Beary M. No. 160
2. Arabi Beary S/o Babayya Beary,
M. No. 161.
~~3. Mohammad Beary S/o Babayya~~
Beary M. No. 159.

Order

The Claim is for recovery of Rupees
274-7-4 being the amount due to Plaintiff
Society in respect of Surety Bond executed by
the defendants in favour of Plaintiff Society.
Defendants No. 1, 2 and 3 are all ^{present} ~~absent~~. D1
says that he went to the Society's Office to stand
surety to D3, Mohamed Beary who had asked
a loan of Rupees 750-0-0. He says he might have
signed one register and 2 or 3 forms as asked
by the Secretary of Plaintiff Society. He further
says actually he has not received any
consideration from the Society. He also says
that he has not paid any amount towards
share capital. D2 too says that he went to
stand surety to D3 but not D1. He says that
he has signed one register and 2 or 3 forms
as asked by the Secretary of the Plaintiff Society.
He says that he has not signed the Surety Bond of D3.
D3 says that he had neither stood surety to D1
nor he has signed the Surety Bond of D1. He went
to the Society for a loan of Rs. 750-0-0 which
he had not received at all. He further says
that he has ~~not~~ signed one register and 3 or 4

OTO.

forms as asked by the Secretary of the Plaintiffs Society.

The Secretary of the Plaintiffs Society deposes as follows:- D1-D2 and D3 duly applied for membership as per their ~~Share~~ Applications Ex. B. They were duly admitted as members and loan of Rs. 250-0-0 were sanctioned to each of the defendants No. 1, 2 and 3. He says proper Surety Bond Ex. A. and Cash Receipt Ex. D. have been obtained from them after disbursing loan amounts. D1 failed to repay the loan amount by due date i.e. 15-3-54. So registered notice was issued on 31-3-54 Ex. C. to which neither reply nor amount has been paid to the Society. So it was resolved to file arbitration references for the recovery of the amount.

Now D1 says that he had been to the Society's office and had signed one register and 3 or 4 forms. D2 and D3 also had been to the Society's office and also had signed one register and 2 or 3 forms. PW 2 and PW 3 also state that D1, D2 and D3 had come to the Society and they were also present when loan amounts are being disbursed to them.

On consideration of materials placed before me, I am constrained to hold that the working of the Society is most irregular. It looks as if one man's Society. The President who is the dis -

-3- 7'

business Officer has left everything
in the hands of the Secretary of the
Plaintiff Society whose dealings as they appear
from records, do not appear beyond
suspicion

However in the present case
the burden of proving that Defendants
have not received the consideration
is heavily on them. Their denial is vague
and unsupported by independent
evidence. The evidence on record is wholly
~~considered~~ consistent with the Plaintiff's
case. I have compared the signatures in
Ex. A and D with signatures in Ex. B and
registers which are admitted by the
defendants and I find them similar. I
accept the evidence of P.W. 1. Secretary of
the Plaintiff Society and disbelieve the
evidence of D1, D2 and D3 and hold that
defendants have received full consideration
before executing Ex. D.

In result, the decree is
decreed for Rupees 274-7-4 against D1, D2
and D3 with interest at 9-6-0% from the
date of plaint to the date of realisation and
costs thereon Rupees 2-11-0 only

Dated 2nd March 1955

P. Sunder Bhat,
(True Copy) Arbitrator



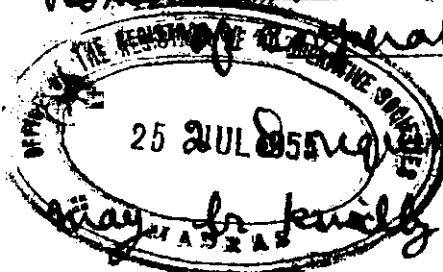
P. Sunder Bhat
21/2

Deputy Registrar
24/3 28/3

REPLY.

Endt. Re. 11528/556

Submitted to the Registrar
of Cooperative Societies
Madras



request that I
may be kindly be permitted
to submit my report within
a week.

~~11528/556~~ ~~11528/556~~

22.7.55

Deputy Registrar

22/7

N.E.
6
15.7.55
RP 38/55P

Cooperative

DEPARTMENT

REMINDER

P. Section

Forward

TO THE Deputy Registrar of Coop Soc

Mangalore

2043
RE-11548/50

11/7/55

have the honour to invite

am directed to invite

invite

attention to

Repts Ref

RP 38/55P, dated 18.6.55

and

to request that this reply to it may be expedited

REGISTRAR OF CO-OP SOCIETIES
request that this reply may be returned at once

with information as to report.

18 JUL 1955

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected.

REMARKS

(3) the circumstances which have caused the delay

R.C.S.

Station Madras

Dated 15/7/55

N
H. S. R. Nuthi
Signature
Suppl
157/55
1577

SUBJECT.

Arbitration - The Talapady - Cooperative
Society - award in claim NO 387/54-55
revision of - report called for.

COOPERATIVE DEPARTMENT. 9

From

To

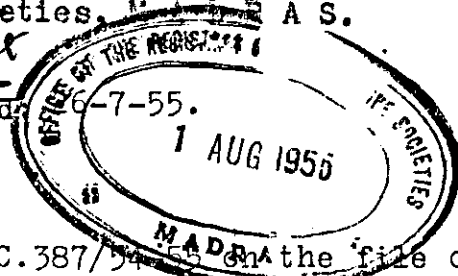
SRI K. KALAPPA SHETTY, B.A.,
Deputy Registrar of Cooperative
Societies, MANGALORE.

The Registrar of Cooperative
Societies, MANGALORE A S.

By Regd. Post

No. Rc.11548/55 G.

Dated 16-7-55.



Sir,

115727

RP 38/55 P

28/55

Sub: ARBITRATION--A.R.C.387/54-55 on the file of
Deputy Registrar, Mangalore--Revision of--
Remarks--offered.

Ref: Registrar's N.Ref.R.P.38/55 P dated 18-6-55.

I submit below my remarks on the Revision Petition filed by Sri T.C. Abdul Khadar Beary, Sri Arabi Beary and Mohamad Beary in A.R.C.387/54-55 on the file of the Deputy Registrar of Cooperative Societies, Mangalore.

2. This is a monetary suit filed by the Secretary of the Talapady Multipurpose Cooperative Society against the petitioners for the recovery of Rs.274-7-4 due to the Plaintiff society in respect of loan No.414 of Rs.250/- borrowed by them with Defendant No.1 Sri T.C. Abdul Khader Beary as principal borrower and the other two defendants as sureties. The surety bond dated 1-5-53 executed for the loan is produced--marked ~~exhibit~~ A. The defendant T.C. Abdul Khader Beary applied for membership in the society on 12-4-53 and his application for membership is also produced and is marked exhibit B. The loan amount was disbursed on 1-5-53 and the voucher for the same is produced as is marked Exhibit D. The loan was repayable in two instalments on 1-3-54 and 15-3-54. No amount was paid to the society and hence a registered notice demanding payment of the dues in respect of the loan was issued by the society. The postal receipt for despatch of the registered notice to the defendant is marked Exhibit C. No reply was received for the registered notice. As no amount was paid even afterwards, the Panchayatdars of the society resolved to file an arbitration suit for the recovery of the loan amount and a suit was filed. The suit was admitted on 27-10-54 and transferred to Sri P. Sunder Bhat, Honorary Arbitrator, Mangalore and it was heard and a decree was passed by him against the defendants for Rs.274-7-4 with ~~written~~ interest at 12 pies per rupee per mensem from 15-7-54, on 2-3-1955.

3. Sri T.C. Abdul Khader Beary states that he has neither paid any share capital nor applied for any loan, nor received any amount from the society but has gone to the society to stand surety to Defendant 3 Mohamad Beary who has asked for a loan of Rs.750/- and signed the surety bond for Mohamad Beary's loan and also in some registers of the society as asked by the Secretary. Defendant No.2 Arabi Beary states that he has ~~not~~ stood as surety to the first defendant and denies his signature in the bond but admits as having signed some registers as required by the ~~Secretary~~ in connection with a loan applied for by the 3rd defendant, Mohamad Beary. The third defendant Mohamad Beary too denies his signature in the ~~loan~~ loan bond exhibit A.

4. Exhibits A, B and D show that the defendant 1 T.C. Abdul Khader Beary had applied for membership in the society and the defendants have executed the bond and borrowed the loan from the society. The denial of the defendants is vague and is not supported by any material evidence. The Arbitrator has also satisfied himself as to the genuineness of the signatures in the Exhibits A, B and D by comparing them with those in the registers of the Society which are admitted by the defendants as theirs. The plaintiff contends that the defendants have executed the bond and borrowed the loan and his ~~statement~~ ^{statement} is supported by the statements of the witnesses Sri Subraya Maiya who has attested the bond for the loan and Sri Veera Shetty who states that he had attended the Panchayat Meeting in which the loan was sanctioned and also

witnessed the loan disbursement

5. As the petitioners state that their signatures have been forged and as the arbitrator too has in his judgement observed that the transactions are not beyond suspicion, the signatures of the defendants in Exhibits A, B and D may if deemed necessary be got tested by an expert.

Registrar's N. reference R.P.38/55 P dated 18-6-55 is re-submitted herewith. The connected A.R.C. file is also enclosed.

flag (N)

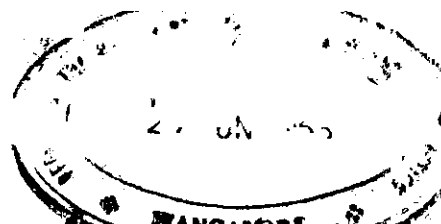
P. Venkataswamy
28/7
DEPUTY REGISTRAR.
27/7

Encl:- 1.Registrar's N.Ref.R.P.38/55 P dated 18-6-55.
2.Claim No.387/54-55.

MAJ/27-7.

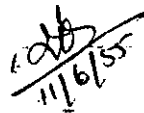
u
27/6

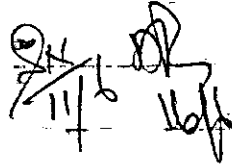
11548


To be resubmitted.

Endt N Ref. RP. 38 /55F.

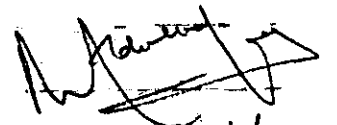
Office of the Registrar of
Cooperative Societies Dt-18/6/55.
A Copy of the revision petition
filed by Mess 1) Sri T.C. Abdul Khadar Beary
2) Sri Arabi Beary and 3) Mohamed Beary is enclosed.
The Deputy Registrar, Mangalore, is requested to
offer his remarks on the revision petition and
submit the connected records in original.


11/6/55


11/6/55

To

The Deputy Registrar of Coop. Soc.
Mangalore..


Joint Registrar

12-21-56
51(5)
28/1/56

NOTICE UNDER SECTION 57 OF THE MADRAS COOPERATIVE SOCIETIES
ACT VI OF 1932.

Per V.C.
20-9-56
27-1-56
Society Ref

Present: En. and. Abdul Kader M.A.

JOINT REGISTRAR.

R.P. 38 / 1955 P

Dated: - 1-1956.

Sub: Adjudication - The Talapady C S
award in R.P. 387 / 54-55.
Revision of

Ref: R.P. 387 / 54-55

R-P filed by Sri T.C. Abdul Khadar
Beary and others
eff 3

Please take notice that the above revision petition will
be heard on the 16th day of Feb 1956 at 10-30 AM
in the Office of the Registrar of Cooperative Societies, Chempauk,
Madras. You are hereby summoned to appear before me in person
to answer all material questions relating to the revision petition
and to answer the claims. As the date fixed for your appearance
is appointed for the final disposal of the Revision Petition, you
must be prepared to produce on that day all the documents upon which
you intend to rely in support of your claim or defence. Please also
take notice that in default of your appearance on the day mentioned
the revision petition will be heard and determined in your absence.

26-1-56, 28/1/56
Joint Registrar.
To
1) Sri. T.C. Abdul Khadar Beary
S/o Chavre Beary
Talapady, Mangalore Taluk
2) Sri. Arabi Beary
S/o Babayya Beary
Talapady, Mangalore Taluk
3) Sri. Mohanmad Beary
S/o Babayya Beary
Talapady, Mangalore Taluk
By Registered Post
Acknowledged Due.
Copy to the Deputy Registrar of
Cooperative Societies,
Mangalore
P-T-2

4) ~~Dr.~~ The secretary
the Talapady C.S
Talapady, Mangalore Taluk
with a copy of the R.P. at C/P 13-14

By Regd
2082 A/C
224

to go today.
5 copies.
31-1-56.

DESTROYED
2-1-56

1 pm
198
112

RP 38/55 P-15

21-1-56

Sub: Arbitration - One
Telegraph C.S. - Award
in AR C 387/54-55
Revision of
Ref - J.R. L.R. 1's Notice RP
38/55 P 27-1-56.

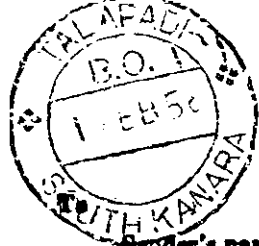
The R.P. 38/55 P which
stands posted for hearing
on 16-2-56 is adjourned
sine die. The next date
of hearing will be intimated
in due course.

To 31-1-56
1) Sn. I.C. Abdul Khader Bary
S/o Chaire Bary
Talaphady, Mangalore.
P-TO

2) Sri Asabi Beary
S/o Babaiya Beary
Talapady, Mangalore Taluk

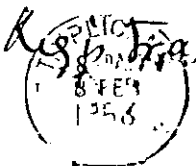
3) Sri Mohamed Beary
S/o Babaiya Beary
Talapady, Mangalore
Taluk

4) The Secretary
Talapady C.S. Mangalore Taluk
Copy to D.R. Mangalore



Sender's name

and address.



Life Corp. Co
On Postal Service
Madras

.....
.....
.....

Name-stamp of
office of posting.

चैपाक
CHF

R. P. 54.

Acknowledgment.

19

(To be returned to office of posting for delivery to sender.)

RECEIVED ¹¹a registered* No. 776

addressed to (name)..... *The Secretary,*

..... *24, Presidency College, Calcutta.*

† Insured for Rs.

† Weighing (in words)..... ^{total}
rates

Signature of addressee..... *S. Subraya Bhal.*

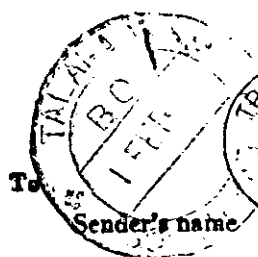
Date of delivery..... *20. 2. 56.* *Secretary*

* Write here, "letter," "post-card," "packet," or "parcel," as the case may be, preceded by the word "insured" if the article is insured.

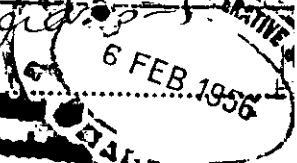
† To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

Registrar & Comm. Secy.

On Postal Service



To
Sender's name



Name-stamp of
office of posting.

चेपाळे
CHEPALI

R. P. 54.

Acknowledgment.

21

(To be returned to office of posting for delivery to sender.)

RECEIVED ~~by~~ registered* No. 74

Addressed to (name)..... Mr. Mohammad Beg,
Delapad,

† Insured for Rs.

† Weighing (in words)..... rates

Signature of addressee.....

Date of delivery..... 1 - 2 - 19 26

* Write here, "letter," "post-card," "packet," or "parcel," as the case may be preceded by the word "insured" if the article is insured.

† To be filled in the case of insured articles, and to be scored out in the case of other articles.

To: Bank

To



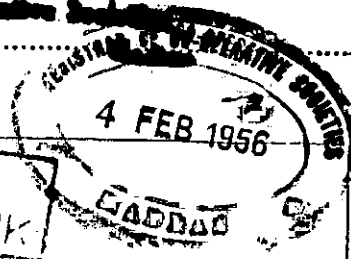
Sender's name

and address.



Region 2 Crop In
On Postal Service
Madras

Office of the Registrar of
Co-operative Societies



Name-stamp of
office of posting.

चेपाक
CHEPAUK

R. P. 54.

Acknowledgment.

(To be returned to office of posting for delivery to sender.)

RECEIVED & registered*.....No.....

addressed to (name).....*Mr. Arabi Beary*.....

.....*Talipady*.....

† Insured for Rs.

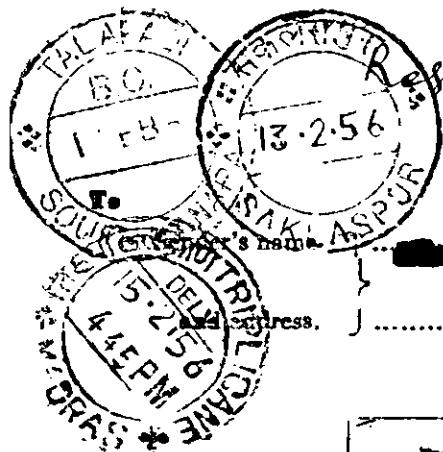
† Weighing (in words).....

Signature of addressee.....*U. S. N. P. S.*.....

Date of delivery.....*2*.....*1956*

* Write here, "letter", "post-card", "packet", or "parcel," as the case may be preceded by the word "insured" if the article is insured.

† To be filled up only in the case of insured articles, and to be scored out in the case of other articles.

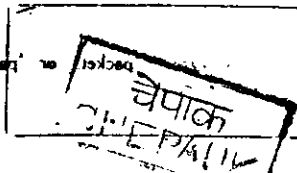


Registrar of Comp. Soc.
Yashwantrao Chavan
Postal Service

Name of the Registered Office
 [Redacted]

Address
 [Redacted]
 10 [Redacted] 1956

Name and address of
 office of posting.



1-2-56
187
now 25-

5105)
NOTICE UNDER SECTION 57 OF THE MADRAS COOPERATIVE SOCIETIES
ACT VI OF 1932.

5 copies
20-2-56
20-2-56

Present: Sw. Mr. Abdul Hakeem P.A.

JOINT REGISTRAR.

R.P.

38/1955P

Dated: 20-2-1956.

Sub: Arbitration - The Talapady Co.
award in ARC 387/54-55 - Revision

Ref: J.R.L.'s memo R.P. 387/55P 31 1/56
C.P. 15

Please take notice that the above revision petition will
be heard on the 18th day of March 1956 at 10-30 AM
in the Office of the Registrar of Cooperative Societies, Chempauk,
Madras. You are hereby summoned to appear before me in person
to answer all material questions relating to the revision petition
and to answer the claims. As the date fixed for your appearance
is appointed for the final disposal of the Revision Petition, you
must be prepared to produce on that day all the documents upon which
you intend to rely in support of your claim or defence. Please also
take notice that in default of your appearance on the day mentioned
the revision petition will be heard and determined in your absence.

now
20-2-56

now
20/2-56

To

- Joint Registrar.
1. Sri. TC. Abdul Khader Beary
8/6 Chaire Beary
Talapady, Mangalore Taluk
 - 2) Sri. Arabi Beary
8/6 Bahaya Beary
Talapady, Mangalore
 - 3) Sri. Mohammad Beary
8/6 Bahaya Beary
Talapady, Mangalore
- (P.T.O.)

By Registered Post
Acknowledged Due.

Copy to the Deputy Registrar of
Cooperative Societies,
Mangalore.

4) The secretary
The Talapady C.S
Talapady, Mangalore Taluk } By Regd Post
At once

ms
20/2

Rs. 10
than the initial weight
prescribed in the Post & Telegraph Guide Rs.
on which no acknowledgment is due.

Received a V.-P. registered* *15/10* Date-stamp.

addressed to *Miami*

Tabapa
REG. 1 FEB 26 3 15 PM
*Write here "letter," "parcel," or "railway receipt" with
Initials of receiving officer. the word "insured," before it when necessary.

To be filled in only when the article is to be insured; otherwise to be
crossed out by means of two diagonal lines.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ As. _____ Weight } Rates
(in words) } Tolas

No. 779

Stamps affixed except in case of uninsured
letters of not more than the initial weight
prescribed in the Post & Telegraph Guide Rs. 10
on which no acknowledgment is due.

Received a V.-P. registered* *15/10* Date-stamp.

addressed to *Holly Beach*

Tabapa
REG. 1 FEB 26 3 15 PM
*Write here "letter," "parcel," or "railway receipt" with
Initials of receiving officer. the word "insured," before it when necessary.

To be filled in only when the article is to be insured; otherwise to be
crossed out by means of two diagonal lines.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ As. _____ Weight } Rates
(in words) } Tolas

No. 780

Stamps affixed except in case of uninsured
letters of not more than the initial weight
prescribed in the Post & Telegraph Guide Rs. 10
on which no acknowledgment is due.

Received a V.-P. registered* *15/10* Date-stamp.

addressed to *The Secretary*

Tabapa
REG. 1 FEB 26 3 15 PM
*Write here "letter," "parcel," or "railway receipt" with
Initials of receiving officer. the word "insured," before it when necessary.

To be filled in only when the article is to be insured; otherwise to be
crossed out by means of two diagonal lines.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ As. _____ Weight } Rates
(in words) } Tolas

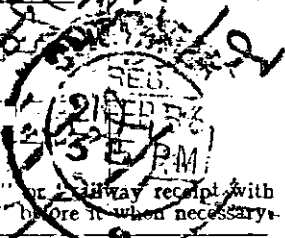
No 781

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post & Telegraph Guide Rs. As. on which no acknowledgment is due.

Received a V.-P. registered*

addressed to

V. C. H. ...



*Write here "letter," "parcel," or "railway receipt," with Initials of receiving officer. the word "insured," before it when necessary.

To be filled in only when the article is to be insured. otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. As. Weight } Rates
(in words) } Tolas

31

MEMORANDUM OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (RESETTLEMENT)
MADRAS.

Sri Md. Abdul Hafeez, M.A.,
Joint Registrar.
(Resettlement).

R.P.36/55 P.

Dated 1.3.1956.

Sub:- Arbitration-The Talapady Cooperative Society-Award in ARC.
108, 387 and 101/54-55-Revision -Certain particulars-
called for.

The Revision Petitioners, Sris T.C. Abdul Kader Beary, Arabi Beary and Mohamed Beary in Revision Petitions 38, 36 and 39/55 P, respectively have alleged that their signatures were forged etc. The Deputy Registrar, Mangalore is requested to report whether the loans in question (L.Nos.414, 411 and 412) were verified by auditors at the time of final audit or interim audit of the Talapady Society, since the issue of loans to the petitioners and whether they have accepted liability of the loans etc. The relevant records if any should be submitted for perusal and return.

(Forwarded/By Order)

Md. Abdul Hafeez,
Joint Registrar
(Resettlement).

Superintendent.

ADK.2.3.56. *red*
213

To

The Deputy Registrar, Mangalore.
Copy to R.P. Nos.38 and 39/55 P.

5

51(5) 12/11/56 15/3 33

NOTICE UNDER SECTION 57 OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sir Rd Abdul Hafeez M.A.,

JOINT REGISTRAR:

R.P.

38 / 1955 P

Dated: 26-3-1956

Sub: Arbitration - The Talapady
C.S. award in AR C 387/54-5
Revision of

Ref: JR (A) B notice R P 387/55 P 2
20-2-56. 4/1/55

Please take notice that the above revision petition will be heard on the 7th day of April 1956 at 10-30 AM in the Office of the Registrar of Cooperative Societies, Chepauk, Madras. You are hereby summoned to appear before me in person to answer all material questions relating to the revision petition and to answer the claims. As the date fixed for your appearance is appointed for the final disposal of the Revision Petition, you must be prepared to produce on that day all the documents upon which you intend to rely in support of your claim or defence. Please also take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

Joint Registrar.

By Registered Post
Acknowledged Due.

Copy to the Deputy Registrar of
Cooperative Societies,
Mangalore

To 26/3/56
1) Mr. T. C. Abdul Kader Beary
2) Chaire Beary
Talapady, Mangalore Taluk
3) Sir Asabi Beary,
4) Babayar Beary
Talapady, Mangalore Taluk
5) Sir Mohamed Beary
6) Babayar Beary
Mangalore Taluk
(P-70)

Our
26/3/56
DESPATCHED
28 MAR 1956

i) The Secretary,
The Kotekar Agricultural co-op Bank Ltd.
Kotekar, Mangalore Taluk Dist. } Co. Regd.

05
OFFICE OF THE REGISTRAR OF COOPERATIVE SOCIETIES, MADRAS

...
SRI A. PALANIAPPA MUDALIAR, M.A.,
Registrar.
...

R.P.56/53 P

Dated: 10.4.1956.

Sub:- Arbitration--The Talapady Cooperative Society--Award
in A.R.C.108/54-55--Revision of

Ref:- Joint Registrar's Notice R.P.No.36/55 P dated
26.3.1956.
...

The Deputy Registrar Mangalore is requested to ascertain from the Mangalore District Cooperative Central Bank whether the Bank supervisor had visited the Talapady Society before the Bank loan was actually disbursed by the Bank to the society verified the loan bonds in the 3 cases (loan Nos.414, 411 and 412) and reported the fact to the ~~Deputy Registrar~~ Bank, or atleast after disbursement of the loan, he examined and verified the parties and gave a report to the Bank. He is requested to submit a detailed report on the matter atonce after getting the connected loan files and other records verified.

Md. Abdul Hafeez,
For Registrar.

Forwarded/By Order.

V.K.S./10.4.

To

The Deputy Registrar Mangalore.

Copy to Case Nos.R.P.s38/53 P and 39/55 P.

N. H. Senthil
SUPERINTENDENT. *CH-OB*

24
194
14/5 37

5/15)

NOTICE UNDER SECTION 27 OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present: Sri A. Hindu dayasamy, B.A

JOINT REGISTRAR.

R.P. 38 /1955 P

Dated: - 5 - 1956

Sub:

Arbitration - The Talapady C.S. - Award in ORe 387/54-55 - Revision of

Ref:

J.R.R.'s notice RP 38/55 P of 26.3.56
P. 33

Please take notice that the above revision petition will

be heard on the 21st day of May 1956 at 11 AM

in the Office of the Deputy Registrar of Cooperative Societies, Chapauk, Mangalore

Address. You are hereby summoned to appear before me in person

to answer all material questions relative to the revision petition

and to answer the claims. As the date fixed for your appearance

is appointed for the final disposal of the Revision Petition, you

must be prepared to produce on that day all the documents upon which

you intend to rely in support of your claim or defence. Please also

take notice that in default of your appearance on the day mentioned the revision petition will be heard and determined in your absence.

RECEIVED
14 MAY 1956

Joint Registrar.

By Registered Post
Acknowledged Due.

Copy to the Deputy Registrar of
Cooperative Societies,

Mangalore

(P.T.O.)

- (1) Sri T. C. Abdul Khader Beary
of Chaire Beary,
Talapady, Mangalore
- (2) Sri Arabi Beary,
of Babayya Beary,
Talapady, Mangalore
- (3) Sri Mohamed Beary,
of Babayya Beary,
Talapady, Mangalore

4) The Secretary, Cultural Bank
Kotekar A. S. Talapady & S. Talapady,
Kotekar Mangalore Taluk I
Pondicherry

11/5/56

37

ORDER UNDER SECTION 51 (5) OF THE MADRAS COOPERATIVE SOCIETIES ACT VI OF 1932.

Present:-Sri A. Hirudgyaswamy, B.A.,
Joint Registrar.

R.P. 38/55 P, D/ 29-5-1956.

Sub:- Arbitration - The Talapady C.S. -
Award in A.R.C. 387/54-55 -
Revision of ~~petition~~ ^{award} - filed by -
~~Sri T.C. Abdul Kader Beary~~ - dismissed.

Read;- 1) Revision petition filed by
Sri T.C. Abdul Kader Beary and
others.

- ii) Letter No. 11548/55 G
d/ 26-7-55 of the D.R. MGE.
- iii) J.R.'s notice R.P. 38/55 P
d/ 26-3-56 and 14-5-56 and
- iv) Other connected records.

O R D E R:-

This is a Revision Petition
filed by ~~Sri~~ T.C. Abdul Kader Beary,
~~Sri~~ Arabi Beary and ~~Sri~~ Mohamed Beary
against the award passed in A.R.C. 108/54-55
dated 2-3-55. The facts of the case
are as follows:-

2. The Talapady C.S. filed an arbit-
ration reference before the D.R. MGE.
for the recovery of Rs. 274--7--4 ^{one} from the
petitioners, - The amount represented the
dues ^{on} in a surety ^{loan} ~~issued to~~ ^{advanced by}
Sri T.C. Abdul Kader the principal borrower
by the Talapady Coop. Society. The D.R.
took the reference on file and referred
it to an Hony. Arbitrator for enquiry
and disposal. The Arbitrator who enquired
into the matter passed an award for
Rs. 274--7--4 against the ~~principal~~ ^{petitioners}
borrower, ~~Sri Abdul Kader and sureties~~
~~Sri Arabi Beary and Mohamed Beary.~~

V.S.
F.C.S.
30.5.56

2/1/57
28/3/57
30/3/57

NOTED
23 JUN 1956

Club - d with R.P. 39/55 P.
2

and also by him

that
Against this award of the Arbitrator, the revision
petition has been filed.

3. The case came up before me for final
hearing on 21-5-56 at Mangalore. The petitioners
remained ex-parte. The Talapady C.S. (now Kotekar
Agricultural Cooperative Bank) was represented *by its director*
~~by its director, Sri T. Subbaroya Bhat.~~ The
contention of the petitioners is that they did not
sign the bond, *and* ~~and~~ no amount was disbursed and that
their signatures were forged. ~~It was~~ seen from
the records that the bond was signed by the petitioners
and the principal borrower had acknowledged receipt
of the amount of loan disbursed. It is also seen
that the petitioners had signed in the admission
register of the society when they were admitted as
members. ~~There is nothing on record to disbelieve~~ *the signatures in the bond voucher tally with that found in the admission book.*
the society. It is clear from the relevant records
produced before me that the loan in question was
disbursed to the principal borrower who had
acknowledged receipt of the amount of loan disbursed.
In the result, I find no reason to interfere in the matter
and the R.P. is therefore, dismissed.

Given under my hand and seal this 29th th
day of May 1956.

o/a *29.5.56*
J.R.(R).

29/5/56

- 1) Sri T.C. Abdul Kader, S/O Chatter Beany, Talady, Mangalore Tk.
 - 2) " Arabi Beany, S/O Babaya Beany, Talapady, Mangalore Tk.
 - 3) " Mohamed Beany, S/O Pasha Babaya Beany, Talapady, Mangalore.
 - 4) The Secretary, The Kotekar Agricultural Coop. Bank, Kotekar, Mangalore Taluk.
- Copy to the D.R. Mangalore. His office disposal A.R.C. 387/54-55
is returned. Its receipt should be acknowledged.

COOP. ATIVE DEPARTMENT.

(102251) *RM*

From
Sri K. Kalappa Shetty, B.A.,
Deputy Registrar of Coop.
Societies, Mangalore.

To
The Registrar of Cooperative
Societies, Madras - 5.

No. Rc.11548/55 G.

Dated: 11--6--1956.

Sir,



Arbitration - The Talapady cooperative
Society - Award in ARC.387/54-55 - Revision
petition filed by Sri T.C.Abdul Kader and
others - Dismissed - Records Acknowledged

Ref: Registrar's RP.38/55 P dated 29-5-56.

I acknowledge receipt of Registrar's reference
cited as also disposal A.R.C.387/54-55.

MAJ/11.6.

[Signature]
For Deputy Registrar.

47

ORDER UNDER SECTION 51 (5) OF THE MADRAS COOP. SOCIETIES ACT - VI OF 1932.

Present: Sri A. Hirudayaswamy, D.A.,
Joint Registrar.

R.P.30/55 P.

Dated 29-5-1956.

Sub: ARBITRATION—The Talapady Cooperative Society—Award in A.R.C. 307/54-55—Revision petition filed by Sri T.C. Abdul Kader and others—dismissed.

Read: 1. Revision petition filed by Sri T.C. Abdul Kader Dary and others.
2. Joint Registrar's notice, R.P.30/55-P, dated 26-3-56 and 14-5-56 and
3. Other connected records.

ORDER.

This is a Revision Petition filed by Messrs. T.C. Abdul Kader Dary, Arabi Dary and Mohamed Dary against the award passed in A.R.C. 100/54-55 dated 2-3-55. The facts of the case are as follows:—

2. The Talapady Cooperative Society filed an arbitration reference before the Deputy Registrar, Mangalore for the recovery of Rs. 274-7-4 due from the petitioners, on a surety bond executed by Sri T.C. Abdul Kader as the principal borrower and also by the second and third petitioners as sureties. The Deputy Registrar took the reference on file and referred it to an Honorary Arbitrator for enquiry and disposal. The Arbitrator who enquired into the matter passed an award for Rs. 274-7-4 against the petitioners. It is against this award of the Arbitrator, the revision petition has been filed.

3. The case came up before me for final hearing on 21-5-56 at Mangalore. The petitioners remained ex-parte. The Talapady Cooperative Society (now Rotekar Agricultural Cooperative Bank) was represented by its Secretary. The contention of the petitioners is that they did not sign the bond, that no amount was disbursed and that their signatures were forged. It is seen from the records that the bond was signed by the petitioners and that the principal borrower had acknowledged receipt of the amount of loan disbursed. It is also seen that the petitioners had signed in the admission register of the society when they were admitted as members. The signatures in the bond and voucher tally with that found in the admission book. It is clear from the records produced before me that the loan in question was disbursed to the principal borrower who had acknowledged receipt of the amount of loan disbursed. In the result, I find no reason to interfere in the matter. The Revision Petition is therefore, dismissed.

Given under my hand and seal this 29th day of May 1956.

A. Hirudayaswamy,
Joint Registrar.

Forwarded/By Order.

[Signature]
5/6
Manager.

kn.30-5
To

Sri T.C. Abdul Kader, S/O Chaire Dary, Talady, Mangalore taluk.

2. Sri T. Arabi Dary, S/O Sabaya Dary, Talapady, Mangalore taluk.

3. Sri Mohamed Dary, S/O Pacha Sabaya Dary, Talapadi, Mangalore.

n.t.c.

By Reg. Post
ack due

By Reg. Pmt
ack. due
4. The Secretary, The Kotekar Agricultural Cooperative
Bank, Kotekar, Mangalore.

Copy to the Deputy Registrar, Mangalore. His office disposal
A.R.C.387/54-55 is returned. Its receipt should be acknowledged.

(Spam)

H⁵

Sub Arbitration - The Talapadykshi
 (Society) - Award in H.R. 387/54-55
 Division of U.P. 387/55-56

p 302

p 51-52 of (N)

p 51-52 of (N)

p 51-52 of (N)

p 302

p 5-7 of
 p 9-10 of

This is a Revision Petition filed by
 Sri T.C. Abdul Kadar Beary, Arabi
 Beary and Mohamud Beary against the
 award passed in H.R. 387/54-55 or 17
 2, 3, 5 & 6. The Talapadykshi Society
 filed an arbitration reference before the
 D.A. Mangalore, for the recovery of Rs 274-25
 being the amount due in a surety bond
 due from the petitioners. The D.A. took
 the reference on file and referred it to the
 Hon. Arbitrator who enquired into the
 matter and passed an award for
 Rs 274-25 against the petitioners.
 Against this award of the Arbitrator, the
 Revision Petition had been passed filed.
 The main contention of the petitioners
 is that their signatures were forged. The
 judgment of the Hon. Arbitrator and the
 reportary of the D.A. may be perused.
 There is nothing on record to prove that
 the signatures were forged. It is for
 consideration whether the matter may
 be referred to the Handwriting expert
 to arrive at the correct
 conclusions.

SN
 27/2. 28/2/56.

7.4.56.

perused is - S.T.C. Amal Kumar
 The date is 1.5.56 as per D.A.

Thereby the award is confirmed. The award is

The Petitioner is named. His right is to have the
 signature on reference to signature

1-

Subj. Arbitration. The Talapady Corp.
Society - award in claim
No 387/54-55 revision of.

R.P. 38 /55P.

Ref. R.P. filed by Mess 1) Sri T.C. Abdul
Khadak Beary 2) Sri. Arabi Beary
and 3) Sri. Mohamed Beary.

The R.P. filed under section 51(5) of
the M.C.S. Act against the award passed in clc
No 387/54-55 on the file of the Deputy Registrar
Mangalore, may be perused.

2) The Award copy and the treasury
Chalan for Rs 1/- have been sent. The R.P.
may be taken on the file and the remarks of
Dy. Regr., Mangalore, called for on it with ^{the} connected
records in original.

3) Endt in NRef to the Deputy Regr., Mang.
is put up subject to approval.

[Handwritten initials]

[Handwritten signatures and dates: 11/6/55, 11/6, 16/6]

[Handwritten notes: In many to go to, 2 to be sent, first Mangalore?]

[Handwritten signature: J. B. Guruswami]

[Handwritten initials: C.M.L.]

[Handwritten signature: 1/9/6]

The Revision Petition is under Sec 51
The Copy of the award need not be affixed
with court fee labels.

[Handwritten signature: 28/6, 27/6]

[Handwritten signature: 27/6]

[Handwritten signature: 15/7/55]

Exchange reminder to the Dy.
Registrar, Mangalore, is put up for issue

[Handwritten signature: 15/7]

[Ref: Ltr. encl R 11548/55g. 22.7.55 from the DR
HGE -

1/10/55

Please see the letter encl
ated. It may be filed and
the report promised therein awaited
till 10.8.55 F.O.

DR
28/7

27/7/55
27/7

Ref: Letter No 11548/55g. 26/7/55
of the DR Mangalore with enclosure / p. 9 100
flag (N)

The DR Mangalore has offered
his remarks on the R.P. He has also
sent the H.R. file. This case may
be over till the end of September 55. / p. 9 100
flag (N)

12/8
13/8

14/8

The case may L.O till March 56
as there are many old cases
pending disposal - or orders.

11/55
16/11

17/11

draft notice to parties but
no f.o. approval.

26-1-56
20/11
27/11

27.1.56

Issued at 137

Draft memo to parties put up for J.O. approval.

ms ~~31/1/56~~ ~~31/1~~ ~~31/1/56~~ ~~31/1/56~~

[Issued at eff 15]

Draft notice to parties put up for J.O. approval.

ms ~~20/2~~ ~~20/2~~ ~~20/2/56~~ ~~20/2/56~~

(Issued at 20/2)

Parties have not acknowledged receipt of notice of hearing. A note is subd separately.

bld

SN ~~27/2~~ ~~27/2~~ ~~27/2/56~~ ~~27/2/56~~

Secretary of the Society and Sri Abdul Kader have acknowledged receipt of notice of hearing. (Vide Can 36/55A)

SN ~~4/3~~ ~~4/3~~

[Reg:- J R (P)'s orders]

Draft notice to parties as ordered by J R (P) put up for J.O. approval

ms ~~26/3/56~~ ~~26/3~~ ~~26/3/56~~ ~~26/3/56~~

(Issued at 26/3/56)

Can R P 36/55

Only two parties have acknowledged receipt of notice of hearing.

A note was already subd

SN ~~6/4~~ ~~6/4~~

Under can 7/4/56. With my note in R P 36/55-P take action alone.

SN ~~9/4/56~~ ~~9/4/56~~

RP 38/55P

As ordered by J. R. (R) & Draft
notice to the parties is put up for
f.o approval

RP 31-55

Lin. 5.56

8/11/56

one 11-5-56 $\frac{3}{14.586}$

[assumed at eff 37]

Notice to parties sent with RP
36/55P. A note is separately
submitted for orders.

over 18-5-56 $\frac{8}{187.56}$

Please see my notes
A. A 36/55.

Th. 6.5.56

Same the proceedings

Th. 9/5

39)

[Re 11548/55 in 8/11.6.56 from D.R, MGE]

The D.R. has acknowledged
receipt of the records and the parties have
acknowledged receipt of the judgment.

This may be recorded in D. F.O.

D.R.P. 38/55P

Q.P. 62
Q.P. A 2
Q.P. 47-53
D.C.
RP 39/55

8/13/57 $\frac{2K}{4/7}$ $\frac{8}{47.56}$

$\frac{8}{107.56}$